

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PATRICK EDWARD SMOTHERMAN

Plaintiff,

v.

CRAIG TONY, ET AL.

Defendants.

No. **3 07** , **0705**
Judge Echols

MEMORANDUM

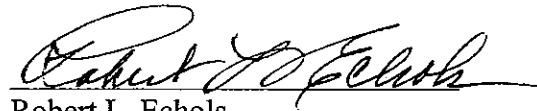
The plaintiff, proceeding *pro se*, is an inmate at the Rutherford County Adult Detention Center in Murfreesboro, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against Craig Tony, an Assistant Manager of a Dollar General Store in Murfreesboro; and two members of the Murfreesboro Police Department; seeking damages.

The plaintiff states that he has “filed this lawsuit on these individuals. And I’m accusing them of tampering with evidence and conspiring to have me convicted based upon my race, not what ready [*sic*] happened.” (Complaint at 5).

In order for the plaintiff to obtain relief for an allegedly unconstitutional conviction or confinement, he must prove that the conviction or confinement has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such a determination, or called into question by a federal court’s issuance of a writ of habeas corpus. Heck v. Humphrey, 512 U.S. 477, 114 S.Ct. 2364, 2372, 129 L.Ed.2d 383(1994). The plaintiff has failed to allege that he was convicted as a result of the defendants’ actions and that the conviction has been declared invalid. Therefore, the plaintiff has failed to state a claim that is ripe for adjudication. In

the absence of an actionable claim, the Court is obliged to dismiss the complaint sua sponte.
28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

Robert L. Echols
United States District Judge